

FEDERAL DEFENDER SERVICES
OF WISCONSIN, INC.

Judge James D. Peterson
September 9, 2021
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they didn't mutually agree. KV1 had also asked Mr. Lamphier if he knew "any body (sic) that would be interested into being a sugar daddy also?" to which Lamphier said he did not, but if he did he'd let him know." (Bates p. 665.)

Lastly, the government suggested in paragraph 39 that KV1 was "reluctant" to meet at Mr. Lamphier's house, again, in an apparent attempt to convey that he was trying to convince KV1 to do things he didn't want to do. Again, reports in discovery do not entirely support that suggestion. *See also* PSR ¶ 36. A report notes that on April 22, 2020, Mr. Lamphier asked the victim if he'd "be willing to come to his place." (Bates p. 526.) When KV1 declined because he didn't want to leave his siblings alone at home, Lamphier responded, "its OK I understand." (Bates p. 625.)

The next time Lamphier mentioned KV1 possibly coming to his house was two weeks later, on May 6. Lamphier asked "any chance you can meet at my place Saturday morning" and KV1 responded less than a minute later saying "Yea Saturday morning but I need the 100 Friday morning." (Bates p. 674.) The following day, KV1 still offered to come over to Lamphier's house but wanted more money. (Bates p. 677-79.) After apparently settling on \$120 and receiving the money from Lamphier in advance as requested, KV1 backed out and tried to again renegotiate. (Bates p. 705.) Lamphier then told KV1 to keep the money he'd given him and said he was "done" with him and "find another guy." (Bates p. 409.) From May 16 into May 20, KV1 sent Mr. Lamphier approximately 130 individual messages, tried to call him several times, and sent unsolicited pornographic photographs, "asking if they could meet up and that he needed the money." (PSR ¶ 36; bates pp. 411-23.) Lamphier did not answer KV1 for many days until he finally replied later on May 20; they argued about the money Lamphier had already paid and how much more KV1 wanted, arrangements to resolve their differences, and later settled on meeting on May 23, 2020.

Now, none of preceding absolves Mr. Lamphier in any way for the decisions he made regarding his involvement with KV1. But a full picture of what took place matters. Most importantly, while Mr. Lamphier engaged in reprehensible conduct and had every opportunity to end it at any time, his offense here involved one victim only—a rather savvy victim who acted with agency. Mr. Lamphier was not actively looking across the internet for minor after minor to victimize or curating a library of child pornography; he never set out on Grindr (or anyplace else, like hanging out at the local swimming pool or lingering about schools) looking to become a child sexual predator.